IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 33412 of 2006(C)

PETITIONER:

T. VIJAYAN, S/O.E.K.K. ACHAN,
AMBATTU BUNGLOW, AKATHETHARA,
PALAKKAD, THE MANAGER, DEVI VIJAY GRANITE
STONE CRUSHER, SASTHA NAGAR, AKATHETHARA,
PALAKKAD DISTRICT.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
HEMAMBIKA NAGAR POLICE STATION (CIRCLE OFFICE),
HEMAMBIKA NAGAR, PALAKKAD DISTRICT.

2. THE SUB-INSPECTOR OF POLICE,
HEMAMBIKA NAGAR POLICE STATION,
HEMAMBIKA NAGAR, PALAKKAD DISTRICT.

3. DEVAN, SECRETARY, HEAD LOAD WORKERS UNION (CITU),
AKATHETHARA P.O., PALAKKAD DISTRICT.

4. MADHU, SECRETARY, HEAD LOADWORKERS UNION,
AKATHETHARA P.O., PALAKKAD DISTRICT.

5. RAMESH, SECRETARY,HEAD LOAD WORKERS UNION,
AKATHETHARA P.O., PALAKKAD DISTRICT.

6. STATE OF KERALA, REP. BY SECRETARY, HOME DEPARTMENT,
SECRETARIAT,THIRUVANANTHAPURAM.

R1, R2 & R6 BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.PADMANABHAN NAIR,JJ.

W.P.(C)NO.33412 OF 2006

Dated 19th December, 2006

JUDGMENT

Koshy,J.

This is a petition for police protection. It is the case of the petitioner that claiming Nokkucooli etc. respondents 3 to 5 and their supporters are obstructing smooth functioning of his industry.

2. If the loading and unloading work is conducted by using JCB and no manual labourer is engaged, no workers or unions can demand wages as Nokkucooli without doing the work and steps should be taken by the police to prevent such incidents. If there is any labour disputes, it can be raised before the concerned labour authorities as provided under the statutes and they cannot take law into their hands. Therefore, police is directed to grant protection if the petitioner is having required licence and he is running the industry as per the conditions of the licence.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

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